



City of New Philadelphia

New Philadelphia Police Department

122 2nd Street, S.E.

New Philadelphia, Ohio. 44663

Thomas R. Staggars - Chief of Police

August 15, 2001

David F. Cimperman Jr.
883 First Street N.E. Apt. 6
Massillon, Ohio 44646

Re: Pre-disciplinary Hearing

Dear Mr. Cimperman:

As you are aware. The arbitrator has issued an opinion and award in your discharge case. He found that the City of New Philadelphia fully sustained the charge against you that you improperly and wrongfully altered City equipment, thereby jeopardizing the safety of yourself and fellow officers. As a result of wrongful and improper conduct, the arbitrator determined that you should be suspended without pay and benefits for over one (1) year until September 1, 2001, and that, you should be reinstated in the New Philadelphia Police Department with a rank of Captain.

The arbitrator also did not consider evidence that you had perjured yourself on April 9, 2001 at the suppression hearing involving Defendant Scott Shook. The arbitrator stated that this conduct may be the subject of additional charges subsequent to his opinion and award.

Pursuant to section 17.3 of the Collective Bargaining Agreement between the City of New Philadelphia and the Fraternal Order of Police, the following charges are made against you as a result of testimony you gave on April 9, 2001 and the charge of discrimination you filed against the City of New Philadelphia on August 7, 2001.

You are being charged with violation of rule and regulations(Standards of Conduct) specifically, Rule 11- dishonesty or untruthfulness and Rule 18-observation of criminal and civil laws.

With respect to the first charge, it is believed that you may have perjured yourself in the testimony that you gave on April 9, 2001 regarding Scott Shook. I am including a newspaper article dated April 24, 2001 wherein Assistant Tuscarawas County prosecutor David C. Hipp claims you gave perjured testimony in a suppression hearing, which required him to dismiss the charges against Mr. Shook.



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It is further claimed that in the charge of discrimination that you filed in 2001, you were again untruthful and filed false charges against the City in order to gain some type of advantage regarding your termination of employment from the City of New Philadelphia Police Department. In your charge, you claim that you were sexually harassed and retaliated against because of a photograph that was generated by fellow officers in the New Philadelphia Police department.

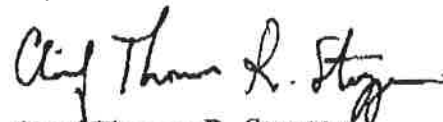
The City contends that in no way shape or form did that photograph constitute sexual harassment. At worst, it was a vulgar attempt by fellow officers to let you know that you were not highly thought of by them in the New Philadelphia Police Department. Although the photograph was in very bad taste and disgusting, it in no way shape or form constituted sexual harassment. The officers were not trying to obtain sexual favors from you nor were they in any way challenging your gender or creating a sexually hostile work environment. It was a crude attempt to let you know what they think of you and nothing more. Your attempt to convert this ill-advised message to a federal case is tantamount to again being untruthful and filing false charges against the City.

As a result of these charges, you will be afforded an opportunity to rebut or provide an explanation to these charges. To this end, a pre-disciplinary hearing has been scheduled for August 22, 2001 at 1:00 p.m. at the City of New Philadelphia. Your Union representative, Mr. Boomer, has been advised of this date and time and will be present.

A copy of the standards of conduct 11 & 18 along with a copy of the testimony given in the suppression hearing is included.

If you require any further information prior to this hearing, do not hesitate to contact Attorney Robert J. Tscholl or have your representative contact him.

Very truly yours,


Chief Thomas R. Staggers